



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.
200500182

Issuance Date:
November 2, 2005

Stream: UN TRIB EAST BRANCH THOMAS FORK

Closing Date:
December 2, 2005

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Ohio Department of Transportation
1980 West Broad Street
Columbus, Ohio 43223

LOCATION: The proposed project is located within unnamed tributaries of East Branch Thomas at the existing U.S. Route 33 and State Route 7 Interchange at Rock Springs, Meigs County, Ohio.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to modify the existing U.S. Route 33 and State Route 7 Interchange at Rock Springs, Ohio. According to the applicant, the modification will allow for continuous, efficient, and safe transportation when making the transition from U.S. 33 at Rock Springs to U.S. 33 at Five Points (Ravenswood Connector).

The proposed modification would include construction of a 0.7-mile loop ramp within the southwest quadrant of the existing U.S. Route 33/State Route 7 Interchange. The proposal would result in impacts to 1,700' (0.31 acre) of two unnamed tributaries of East Branch Thomas Fork.

Work associated with the proposal would consist of the installation of three culverts totaling 537' into 580' of Stream 1 at three separate locations in order to allow the stream channel to flow under the loop ramp. Approximately 813' of the headwaters of Stream 1 would be filled to accommodate the loop ramp footprint. Another 300' of Stream 1 would be relocated into a new channel immediately downstream of the first culvert. Approximately 50' of Stream 2 would require relocation into a new channel in order to provide alignment of the relocated section of Stream 3. A total of 497 cubic yards of concrete and earthen fill material would be placed into 1,700' (0.31 acre) of waters of the United States in conjunction with the proposal. Specifics regarding the impacts can be found in Tables A, B, C, and D.

MITIGATION PLAN: The applicant has submitted a conceptual compensatory mitigation plan (CMP) to compensate for permanent impacts to waters of the United States regulated by the United States Army Corps of Engineers. To mitigate for stream impacts associated with the proposal, the applicant would preserve approximately 33 acres of forested area inside of the loop ramp and would purchase approximately 30 acres of forested land located adjacent to the ramp site. The parcel contains 800' of a Class II unnamed tributary of Thomas Fork. A total of 63 acres of forested land and 800' of stream channel would be preserved in perpetuity via a conservation easement or other protective covenant. The applicant also proposes to fund and provide assistance to the Ohio Department of Natural Resources – Division of Wildlife for a dam removal project on the West Branch of Wolf Creek, an exceptional warm-water habitat stream located upstream of the State Route 377 Bridge in Marion Township, Morgan County, Ohio. The dam, which measures 6' x 65', impounds approximately 2,400' of stream channel. By removing the dam, the stream channel would be restored to a free-flowing channel with riffles and pools.

Plans of the proposed work are attached to this notice.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined no sites eligible for the Register are located within the project area. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana bat
Pink mucket pearly mussel
Fanshell mussel
Sheepnose mussel

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures, the project is not likely to adversely affect the Indiana bat and will have no effect on the listed mussel species or designated critical habitat for these Federally listed species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.


SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for

support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

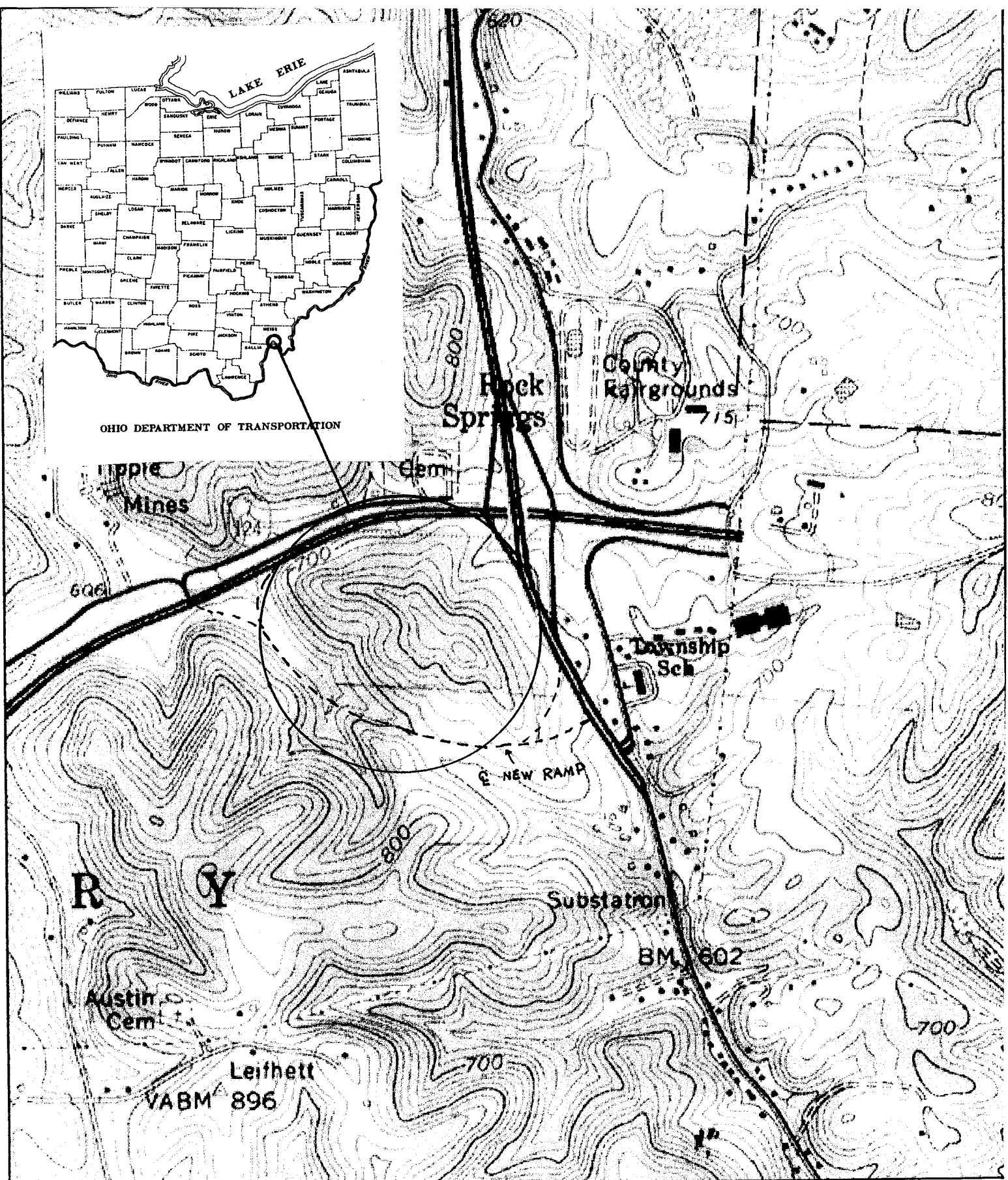
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Kimberly Courts-Brown, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Kimberly Courts-Brown of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

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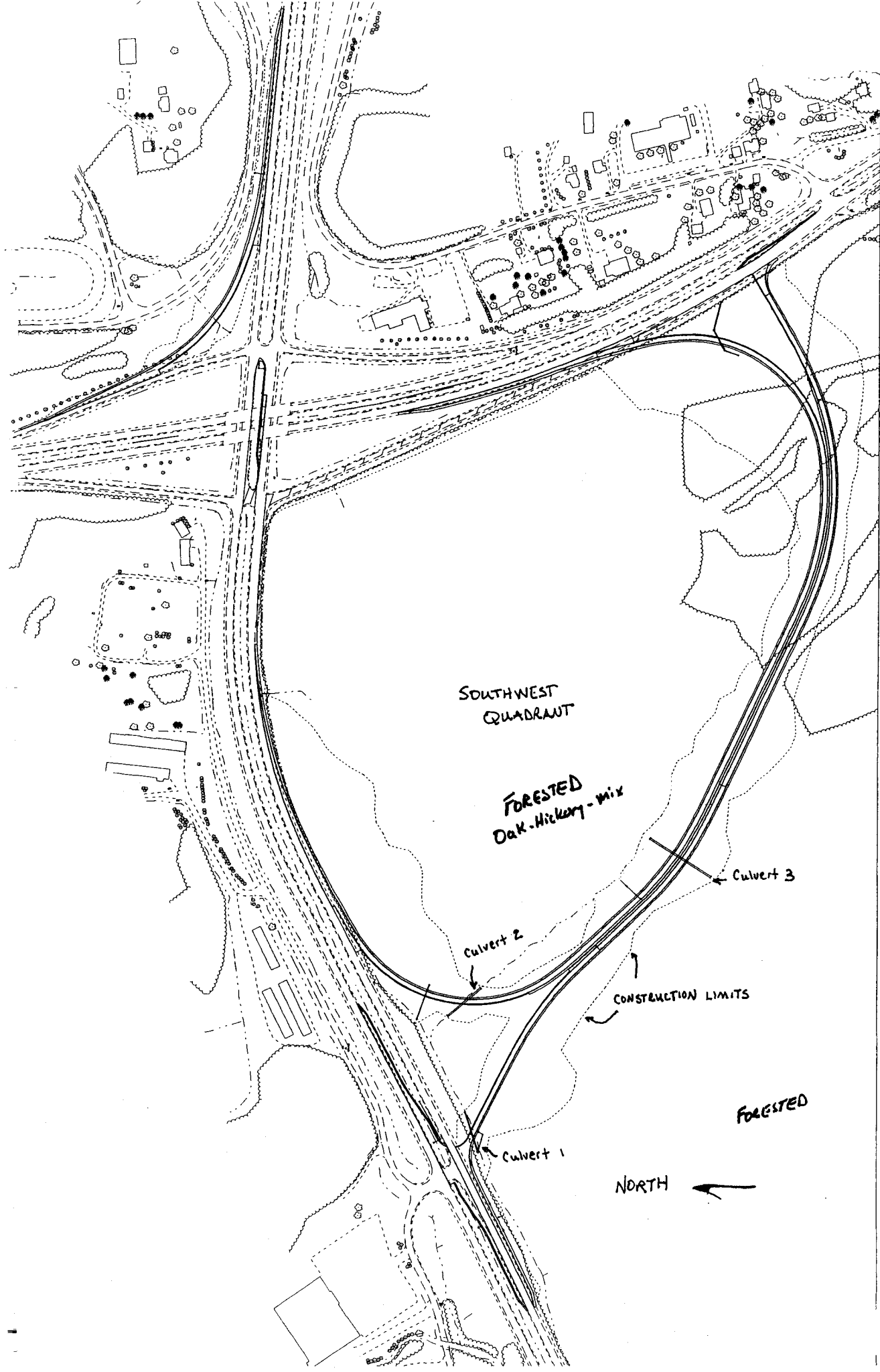


Figure 2

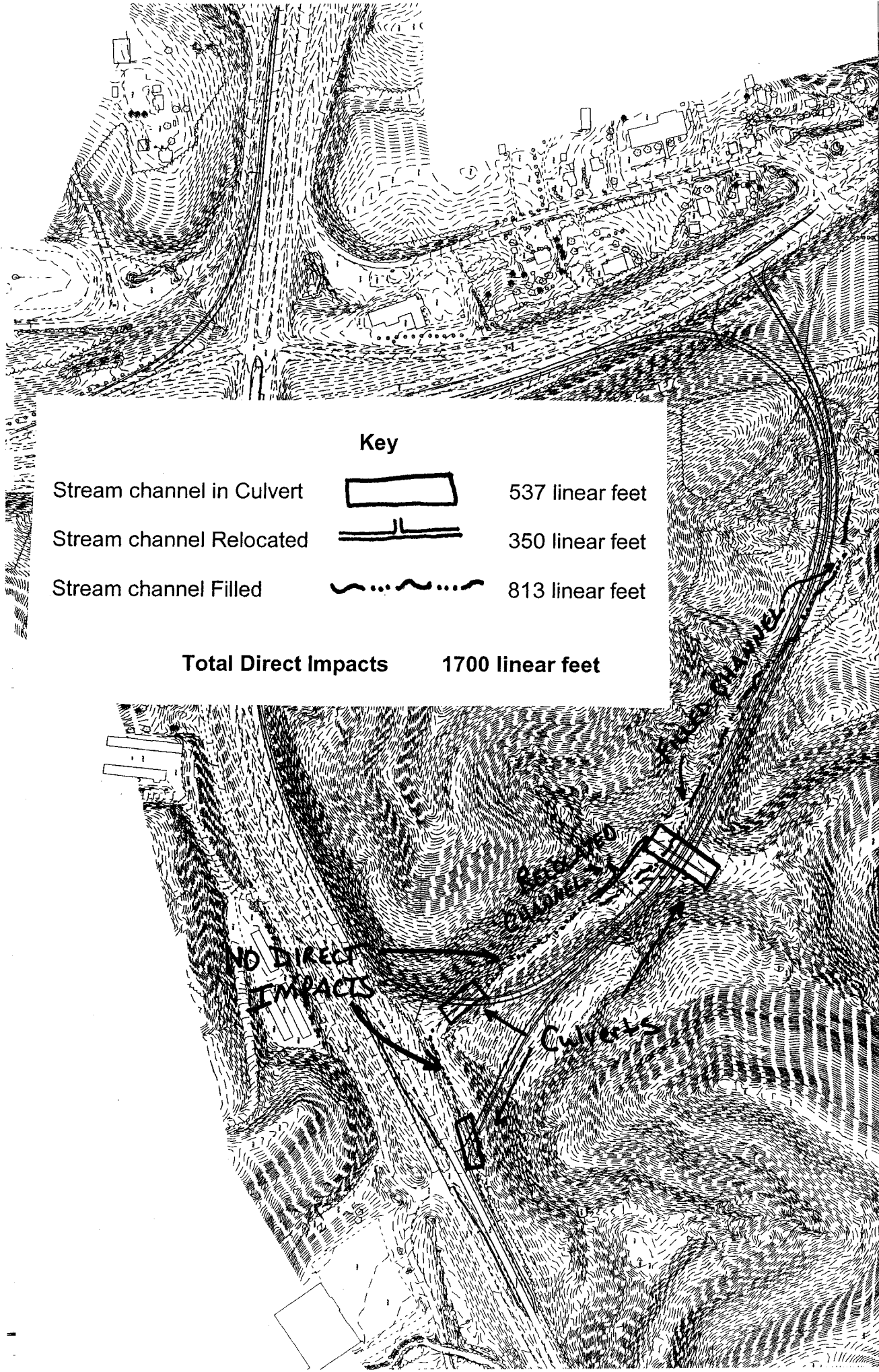


Figure 3

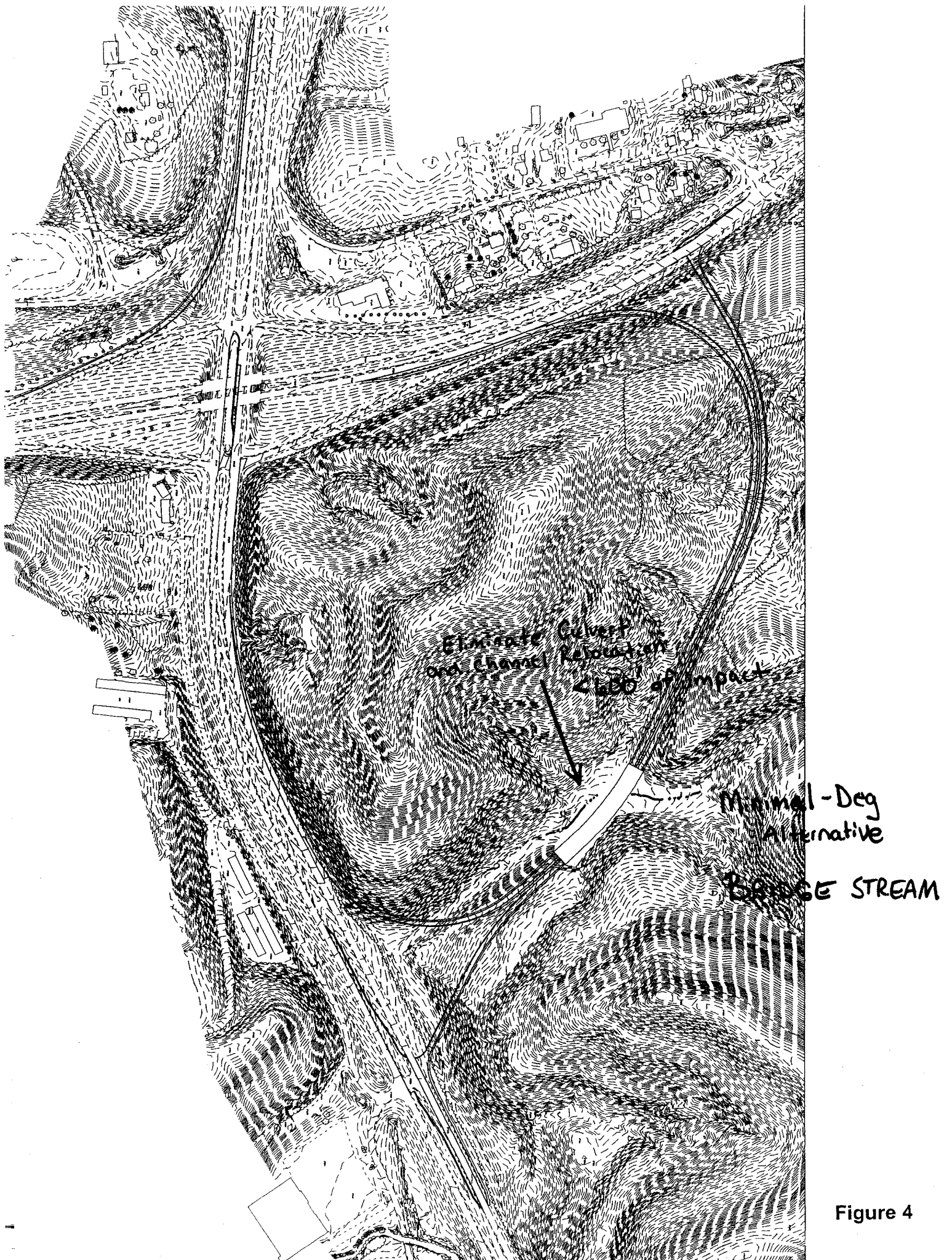
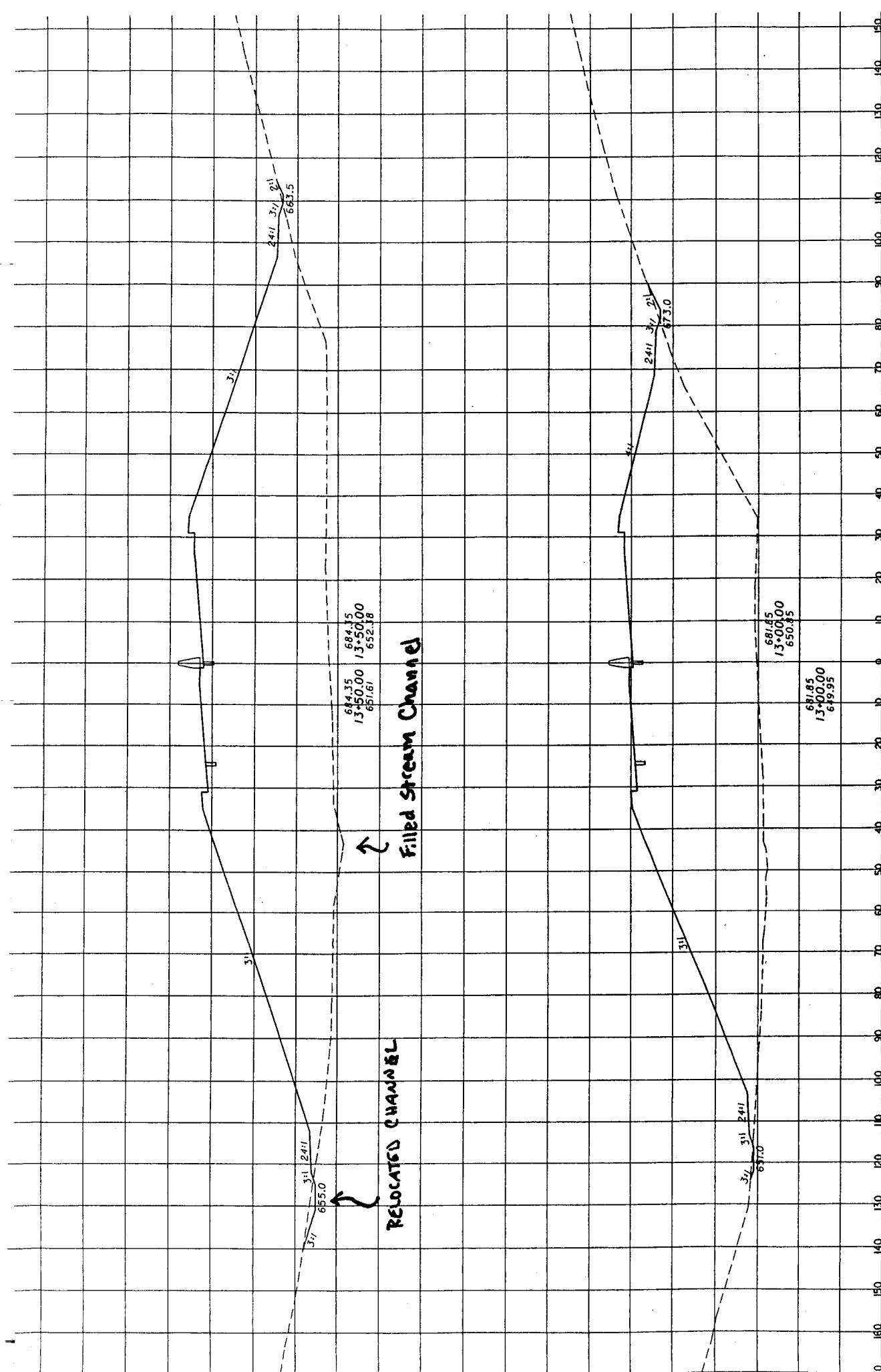


Figure 4



TYPICAL STREAM
CROSS SECTION

Figure 5

404 / 401 TABLE A
Streams Affected by the Preferred Alternative

Site # / Feature	USGS Coord.	Description and Length Impacted	Drainage Basin	Total Length	Receiving Stream	Distance to Receiving Stream	Drainage Area / Area at Impact Site	HHEI Score / OEPA Use Designation	Riparian Corridor and Adj. Habitats
Stream 1	39 03' 17.90" N 82 01' 25.86" W	culverts or embankment will impact 1,650'	Leading Ck 05030202	3,800'	East Branch Thomas Fork	1000'	0.15 square mile	Class III = 69 two-lined salamanders	Predominantly Forest with patches of fallow field.
Stream 2	39 03' 16.16" N 82 01' 20.48" W	embankment will impact 50'	Leading Ck 05030202	450'	Stream 1	0	0.02 square mile	Class I = 24	Forest

404 / 401 TABLE B
Nature of Proposed Activities by Impacted Feature for the Preferred Alternative

STREAMS									
Site / Feature	Approx. Station Location	Proposed Structure or Action	Existing Channel Disturbed Due to Placement of Proposed Structure, Highway Fill, Channel Change or Channel Protection ⁽¹⁾					Existing Channel Disturbed Due to Temporary Crossing	
			Length of Channel Disturbed	Excavation Below OHW		Fill Below OHW		Length of Channel Disturbed	Excavation / Fill Below OHW
				Volume	Area	Volume	Area		
Stream 1	2 + 00	140' Culvert	150'	na	na	44 cy	0.03 acre	na	na
Stream 1	431 + 00	149' Culvert	160'	na	na	47 cy	0.03 acre	na	na
Stream 1	11+00 to 14 + 00	Relocate Channel	300'	na	na	89 cy	0.05 acre	na	na
Stream 1	14+00	248' Culvert	270'	na	na	80 cy	0.05 acre	na	na
Stream 1	14+00 to 22+00	Channel Filled	770'	na	na	228.1 cy	0.09 acre	na	na
Stream 2	13+00	Relocate Channel	50'	na	na	9.2 cy	0.006 acre	na	na
			Total = 1,700			Total = 497.3	0.006 acre		
							Total = 0.3		

404 / 401 TABLE C
Proposed Lowering of Water Quality by the Preferred and Antidegradation Alternatives

Alternative	Expected Impacts by Alternative					
	Direct Stream Impacts	Aquatic Hab. HHEI / Use Designation / Stream Flow	Aquatic Biota	T & E Species [1]	Terrestrial Plant/Animals (Riparian Area)	Wetlands
Preferred Loop Ramp	1,700 linear feet	Class III Headwater Stream HHEI = 69 (1,650') Class I Headwater Stream HHEI = 24 (50')	Salamanders Aquatic Inverts	Impacts to T&E Species not anticipated. See coordination with ODNR and USFWS dated March dididl	27 acres of forest impacted Commensurate loss of habitat for woodland species	None
Minimal Loop with Bridge	1,100 linear feet	Same as Preferred	Same as Preferred	Same as Preferred	Same as Preferred	None
Non Deg. No Build	None	NA	None	None	None	None
						Reduce Forested Habitat within a 2.5 mile radius by 0.23%. Direct impacts to Class III headwater tributary would reduce available stream habitat by 43%
						Same as Preferred except stream impacts reduced to 33% as opposed to 43%.
						No impacts

[1] Impact footprint of the Preferred Alternative includes areas upstream and/or downstream of proposed structures where energy and erosion control components (channel protection) are required to achieve pre-construction stream velocity, water surface elevation and channel stability conditions; no impact to stream flow patterns are expected.

404/401 TABLE D
Proposed Stream Mitigation for the Preferred and Antidegradation Alternatives

Stream Name	Impacted Length	Type of Mitigation	Watershed (8 Digit HUC)		QHEI Score	HHEI Score	Mitigated Length	
			Impacted	Mitigated			On-site	Off-site
Unnamed Trib. East Branch Thomas Fork	1,700'	100% Offsite Mitigation by way of a conservation easement along 800' unnamed Class II headwater trib. within 1 mile of project and dam removal within adjacent 8-digit watershed unit to unimpound about 2,400 linear feet of Exceptional Warmwater Habitat.	1,700'	800' within 8-digit HUC 2,400 within adjacent 8-digit HUC	NA	NA	Because of the magnitude of construction, onsite mitigation within the unnamed tributary is not being proposed by ODOT	2,400' by way of conservation easement and restoration

404 / 401 TABLE E
Impacts and Avoidance Estimations for the Preferred Alternatvie

Resource	Acres/Foot Impacted (Alt)	Total Resource (ac/ft)	Volume of Fill (CY)	% Avoided
Unnamed Tributary East Branch Thomas Fork (Stream 1)	1,650 linear feet 0.3 acre	3,800 linear feet 0.7 acre	488.1 cubic yards	55.3%
Unnamed Tributary to Unnamed Trib. E. Br. Thomas Fork (Stream 2)	50 linear feet 0.01 acre	450 linear feet 0.05	9.2 cubic yards	88.9%